

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

STATE OF TEXAS,

Plaintiff,

v.

The UNITED STATES OF AMERICA;
DAVID PEKOSKE, Acting Secretary of the
United States Department of Homeland
Security, in his official capacity; UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY; TROY MILLER, Senior Official
Performing the Duties of the Commissioner of
U.S. Customs and Border Protection, in his
official capacity; U.S. CUSTOMS AND
BORDER PROTECTION; TAE JOHNSON,
Acting Director of U.S. Immigration and
Customs Enforcement, in his official capacity;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; TRACY RENAUD,
Senior Official Performing the Duties of the
Director of the U.S. Citizenship and
Immigration Services, in her official capacity;
U.S. CITIZENSHIP AND IMMIGRATION
SERVICES,

Defendants.

Civ. Action No. 6:20-cv-00003

**APPENDIX IN SUPPORT OF
TEXAS'S MOTION FOR A PRELIMINARY INJUNCTION**

EXHIBIT 11

DECL. OF B. WAYBOURN

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

STATE OF TEXAS,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Civ. Action No. 6:20-cv-00003

DECLARATION OF BILL E. WAYBOURN

I, Bill Waybourn, pursuant to 28 U.S.C. § 1746, testify that:

1. I make this declaration based on my own personal and professional knowledge, as well as the information available to me in my positions in public service.
2. I currently serve as the Sheriff of Tarrant County, Texas. I have been in that position since 2017 and have been a law enforcement professional since 1981.
3. In 1981, I began working for Dalworthington Gardens Police Department. I was promoted to Chief of Police in 1984. After leading the transition to combine the police and fire services of Dalworthington Gardens, I became the Chief of Public Safety in 1988. I was Chief of Dalworthington Gardens for 31 years before being elected Sheriff of Tarrant County.
4. As Sheriff of Tarrant County, I am responsible for enforcing the criminal laws of Texas to keep the peace within the county, and operating county jails.
5. In addition, the Sheriff of Tarrant County has been deputized by the Department of Homeland Security (DHS) to enforce federal immigration law, pursuant to a Memorandum of Agreement executed under Section 287(g) of the Immigration and Nationality Act. Section 287(g) allows DHS and law enforcement agencies to make agreements that require the state and local officers to receive training and work under the supervision of Immigration and Customs Enforcement (ICE). ICE provides the officers with authorization to identify, process, and detain illegal aliens they encounter during their routine law-enforcement activity. Fingerprint data taken at county jail bookings are sent to ICE, which can request that jails hold aliens who are arrested on suspicion of crimes for up to 48 hours, giving its agents time to decide whether to take the person into federal

custody and pursue deportation.

6. Tarrant County on average has around 280-300 inmates in custody who have immigration detainers, costing the county an estimated \$5,000,000 annually. As of now, we have 280 such inmates in our jails out of a total population in custody of 4200.
7. The 280 inmates in custody with immigration detainers at this time have 390 charges of violations of state law pending among them. This includes 7 charges of murder, 4 charges of sexual assault, 4 charges of aggravated sexual assault, 5 charges of aggravated kidnapping, 41 charges of sexual assault of a child, 16 charges of aggravated sexual assault of a child, 50 charges of aggravated assault with a deadly weapon, 41 charges of family violence assault, 26 charges of possession of a controlled substance, and 38 charges of driving while intoxicated. This is fairly representative of the charges such populations have at any given time in custody in our jails.
8. Around May of 2020, my office examined the recidivism rates for the inmates in custody at a given time. We did this by examining the criminal history files of every inmate in custody with an immigration detainer at that point in time. We found a recidivism rate (indicated by prior jail time) of approximately 70% for that population.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 4, 2021.



Bill E. Waybourn
Sheriff
Tarrant County Sheriff's Office